

Worksheet

Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA)

U.S. Department of the Interior
Bureau of Land Management (BLM)
Turbo NEPA Number: EA-AZ-420-2005-

Note: This worksheet is to be completed consistent with the policies stated in the Instruction Memorandum titled “Documentation of Land Use Plan Conformance and National Environmental Policy Act (NEPA) Adequacy” transmitting this worksheet and the “Guidelines for Using the DNA Worksheet” located at the end of the worksheet. (Note: The signed CONCLUSION at the end of this worksheet is part of an interim step in the BLM’s internal analysis process and does not constitute an appealable decision.)

A. BLM Office: Tucson Field Office AZ 420

Allotment No. 6090

Proposed Action Title/Type: Issue New Grazing Lease

Location of Proposed Action: Las Cienegas NCA – Empire-Cienega allotment

Description of the Proposed Action: BLM proposes to offer a 10 Year Livestock Grazing Lease to Empire Ranch LLC. Since the lands were acquired by BLM in 1988 the Donaldsons have been operating the livestock operation on public and state lands under Interim Management Guidance under the grazing lease that was issued to them from the previous owner of the property and assumed by the Bureau after the exchange. Now that the Las Cienegas RMP, EIS, and Record of Decision have been issued, the Bureau is implementing the decisions from the plan. The Empire-Cienega grazing allotment was established, forage was allocated for livestock grazing, and management guidance was developed to provide for achieving RMP objectives while allowing grazing as a compatible multiple use.

The proposed action would incorporate mandatory terms and conditions into the grazing lease to provide sideboards to the livestock operation necessary to assure conformance with land use plan goals and objectives. Annual resource monitoring and evaluation is incorporated to determine if objectives are achieved. A Rangeland Resource Team (RRT) and Technical Team have been established under the BLM’s Arizona Resource Advisory Council for public input and recommendations to the Tucson Field Manager through a biological planning process.

Applicant: The Empire Ranch LLC C/O MacDonaldson

B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans

H.R. 2941 – An Act of US Congress to establish Las Cienegas National Conservation Area
10/5/2000

LUP Name*	Las Cienegas RMP, and Final EIS	Date Approved (June 2002)
Approved Las Cienegas RMP and Record of Decision		Date Approved (7/25/2003)
Other document**	Empire_Cienega Interim Grazing Plan	Date Approved (1995)

*List applicable LUPs (e.g., Resource Management Plans or applicable amendments).

**List applicable activity, project, management, water quality restoration, or program plans.

- ☐ The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:

H.R. 2941 – An Act of US Congress to establish Las Cienegas National Conservation Area
10/5/2000 (Section 7) specifically provides for BLM to permit livestock grazing.

The Approved RMP and Record of Decision for the Las Cienegas NCA 7/25/2003 specifically allocates forage for livestock use, establishes the Empire-Cienega allotment, and provides management guidance for proper grazing management.

C. Identify the applicable NEPA document(s) and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action.

EA-AZ- 025-1988-0032 Empire Land Acquisition (1988)

Phoenix Final RMP, and EIS (1988)

EA-AZ-046095-007 Cienega Creek Southern Riparian Pasture Fences and Interim Grazing Plan
(4/7/1995)

Proposed Las Cienegas RMP, and Final EIS (June 2002)

Approved Las Cienegas RMP and Record of Decision (7/25/2003)

Biological Opinion 2-21-95-F-177 on the Interim Grazing Plan

Programmatic BO 2-21-96-F-160 Safford/Tucson Field Offices Grazing Programs

Biologic Opinion 2-21-02-F-162 on Effects of the Las Cienegas RMP (10/4/2002)

List by name and date other documentation relevant to the proposed action (e.g., source drinking water assessments, biological assessment, biological opinion, watershed assessment, allotment evaluation, rangeland health standard's assessment and determinations, and monitoring the report).

D. NEPA Adequacy Criteria

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed?

Documentation of answer and explanation: The issuance of the livestock grazing lease implements an action (authorization of grazing) analyzed in the Proposed Las Cienegas RMP and approved in the Final Environmental Impact Statement (June 2002) and approved by the Record of Decision (7/25/2003).

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances?

Documentation of answer and explanation: The Proposed Las Cienegas RMP and Final EIS analyzed several alternatives to the proposed action including the No Action alternative and the No Livestock Grazing alternative.

3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances (including, for example, riparian proper functioning condition [PFC] reports; rangeland health standards assessments; Unified Watershed Assessment categorizations; inventory and monitoring data; most recent Fish and Wildlife Service lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?

Documentation of answer and explanation: Yes, I believe you could conclude that no significant changes or anticipated impacts have occurred. This analysis was completed in June of 2002 and nothing has changed that would affect the decisions made in the Record of Decision (July 2003). The resource has been monitored yearly and indicates we are making progress towards meeting RMP objectives.

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?

Documentation of answer and explanation: Yes, the approaches used in the analysis of anticipated effects of the Proposed Las Cienegas RMP are still valid, and the monitoring protocols used to determine effectiveness of the management actions are always being assessed to see if changes are necessary.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document sufficiently analyze site-specific impacts related to the current proposed action?

Documentation of answer and explanation: Yes, the direct and indirect impacts of the proposed action appear to be the same as those that were anticipated to occur in the EIS. While open space and healthy grasslands are rapidly disappearing outside the project area, the lands within the project area continue to persist.

6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?

Documentation of answer and explanation: Yes, since this analysis is only 2 years old, the anticipated cumulative impacts would be expected to be the same.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Documentation of answer and explanation: Yes, since this Final EIS was completed only 2 years old, the public review should be adequate.

E. Mitigation Measures: List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented.

The following mitigating measures will be incorporated as mandatory Terms and Conditions of the Grazing Lease for the Empire-Cienega allotment (No. 6090). These were developed from the RMP program guidance, NEPA process, Biological Opinions, and from the Bureau's Livestock Grazing Administration Regulations (43 CFR 4100).

Terms and Conditions for the Empire-Cienega Grazing Lease

A. Terms and Conditions of Lease – Necessary Use Agreements

The following actions are incorporated as Terms and Conditions of the Empire-Cienega grazing lease to provide development of management guidance necessary to allow the continued use and proper maintenance of Bureau owned buildings, associated developments located on administrative sites located on the allotment, all needed range improvement projects, and any special administrative roads and routes necessary for the livestock operation utilizing the public lands (4130.3 and 4120.3):

1). The grazing lessee will work cooperatively with the BLM to develop a "building and facilities use agreement" which will detail the conditions of the allowed uses of Bureau owned buildings and the responsibilities of both parties in the care and maintenance of these facilities (4130.3-2). Because the grazing lessees had the use of these sites prior to the BLM acquisition, and have continued to use and maintain them under the interim management, until this "use agreement" is in place; the use, maintenance, and/or modification of the Hummel house, Grove House, Tack room, Apache Cabin, and any other related or associated developments at these

administrative sites will be authorized under cooperative agreements (Form 4120-6) to achieve BLM management or resource objectives (4120.3-2). The cooperative agreement shall specify how the costs and labor shall be divided between the BLM and the grazing lessee and any other special terms or conditions deemed necessary. The authorizations for use of these facilities will not be transferable.

2). The grazing lessee will work cooperatively with the BLM to develop "cooperative agreements" to authorize the use of all range needed range improvement projects on the allotment. All uses shall be consistent with existing decisions in the Las Cienegas RMP. The agreements will detail the monetary investments, any use restrictions, and the maintenance responsibilities of all parties involved (4130.3-2 and 4120.3-2).

3). The grazing lessee will work cooperatively with the BLM to develop a "road use agreement" (4130.3-2 and 4120.3-2). This agreement will detail any special administrative uses the lessee may have on any designated roads or routes on the public lands in the ranch. All uses shall be consistent with existing decisions in the Las Cienegas RMP. There will be no off road travel unless prior authorization is obtained from the BLM Field Manager.

4). The agreement will also detail both BLM's and the lessee's maintenance responsibilities and the limits to the lessee's ability to conduct any route maintenance on their own.

5). The lessee is authorized to remove "down and dead" mesquite for fuelwood to be used only at administrative sites within the NCA, as fence posts to support the livestock operation, or to benefit a BLM sponsored event or partnership use. Any administrative use of vegetation products will be in conformance with decisions in the RMP and be conducted towards achieving a specific RMP objective (WS-13 to WS-20) and will require prior authorization by the BLM Field Manager (4130.3-2).

B. Terms and Conditions – Biological Opinions

Livestock grazing on the Empire-Cienega allotment No. 6090 will be administered in accordance with provisions of the Las Cienegas RMP approved July 25, 2003 (4120.2) and is subject to compliance with all the reasonable and prudent measures, and terms and conditions of USFWS biological opinion 02-21-02-f-162 dated October 4, 2002. Because there have been several Sec 7 consultations on grazing actions in the RMP area, the prior opinions have been incorporated into the October 4, 2002 biological opinion by reference. The Bureau will continue to develop and implement necessary action to reduce grazing impacts on listed Threatened and Endangered species and their habitats.

C. Terms and Conditions – Authorized Grazing Use

1). The interim grazing plan for the Empire-Cienega allotment (1995) will be modified to incorporate the decisions in the Las Cienegas RMP (4120.2).

2). The 8448 AUMs allocated for livestock grazing on the public lands (704 animal units x 12 months = 8448 AUMs) equates to an authorized use of 1500 animal units x 12 months at 47 %

public land use = 8460 AUMs (796 animal units are permitted from state lands = 9552 AUMs). Stocking will vary annually based on RMP decisions (4120.2-2).

3). Livestock grazing on the Empire-Cienega (allot No. 6090) will be administered with a variable stocking rate and a flexible rotation. Within the forage allocation (permitted use), the authorized use will be varied annually by BLM based on an assessment of range health, including forage availability and biological monitoring done in coordination with the Las Cienegas Rangeland Resource Team (RRT) & Technical Resource Team (TRT) through the biological planning process (4120.2 and 4180). Annual approval of the active authorized use within the forage allocation will be made by the BLM authorized officer after consideration of all available data.

4). Forage temporarily available above the permitted use may be apportioned on a non-renewable basis. Any active grazing use below the permitted use, recommended through the biological planning process, may be applied for and approved by the BLM authorized officer. The approved combination of active and nonuse grazing use will be the number of cattle determined annually, to best achieve RMP objectives. Any permanent changes in permitted use will be based on inventory, monitoring, and evaluation of monitoring data (4110.3).

5). A use limit of 30-40% of current year's average annual production of key forage species is in effect. To be measured at permanent upland vegetation sites and key monitoring areas within pastures as identified by the TRT, to ensure the physiological needs of the plants are being met to promote progress towards meeting range health and multiple use objectives 4130.3-2 and 4180).

6). BLM will authorize grazing use in riparian pastures and exclosures only at designated crossing lanes and watering areas, or to meet a specific resource objective approved by the BLM authorized officer (4130.3-2(f)).

7). All riparian fences will be checked by the lessee when an adjacent pasture is being grazed. Any necessary maintenance identified will be repaired by lessee within one week of discovery and the livestock removed from the riparian area (4130.3-2(f)). If cattle are not in an adjacent pasture, the fence will be repaired prior to any use there.

8). The lessee will identify the lanes planned for riparian crossings at the spring planning session to allow BLM time to monitor these sites prior to use. Use of lanes will be rotated as necessary for rest and cattle will be moved through the lanes within 21 days (4130.3-2(f)).

9). To Protect SW Willow Flycatcher:

a). Exclude livestock grazing from occupied or unsurveyed suitable habitat (excluding use of crossing lanes) during its breeding season of April 1 - Sept 1. If crossing lanes are occupied, temporary or alternate crossings will be determined with the BLM, USFWS, and AGFD (4130.3-2(f)).

b). Do not authorize range improvements in occupied or unsurveyed habitat during its breeding

season. Locate new improvements likely to attract cowbirds more than 5 miles away unless necessary for riparian protection. If cowbird parasitism is found, implement USFWS trapping protocols (4130.3-2(f)).

10). In the narrows pasture one of 3 actions will be implemented:

- a). Remove all livestock by March 30 of each year.
- b). Exclude grazing from the riparian zone yearlong.
- c). Leave a grass stubble height of at least 6 inches in the riparian zone and the mesquite bosque. Livestock must be removed by May 1.

11). Any new water developments will adhere to USFWS protocol to minimize the risk of attracting or introducing exotic or non-native species into Cienega Creek (4130.3-2, 4120.3-1, and 4120.3-2)

12). Implement additional terms and conditions in the biological Opinion to protect Chiricahua leopard frog, Gila topminnow, and desert pupfish and their habitats from grazing impacts (4130.3-2).

13). Manage and adjust livestock rotations and utilization to achieve wildlife cover objectives specified in the RMP (413.3-2).

CONCLUSION

- ☐ Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the existing NEPA documentation fully covers the proposed action and constitute BLM's compliance with the requirements of NEPA.

Note: If one or more of the criteria are not met, a conclusion of conformance and/or NEPA adequacy cannot be made and this box cannot be checked

Shela McFarlin, Field Manager

Date